

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

RODNEY D. PIERCE and
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD
OF ELECTIONS, ALAN HIRSCH, in his
official capacity as Chair of the North
Carolina State Board of Elections, JEFF
CARMON III in his official capacity as
Secretary of the North Carolina State Board
of Elections, STACY “FOUR” EGGERS IV
in his official capacity as a member of the
North Carolina State Board of Elections,
KEVIN N. LEWIS in his official capacity as
a member of the North Carolina State Board
of Elections, SIOBHAN O’DUFFY
MILLEN in her official capacity as a
member of the North Carolina State Board of
Elections, PHILIP E. BERGER in his official
capacity as President Pro Tem of the North
Carolina Senate, and TIMOTHY K.
MOORE in his official capacity as Speaker
of the North Carolina House of
Representatives,

Defendants.

Case No. 4:23-cv-00193-D

**PLAINTIFFS’ EMERGENCY MOTION FOR EXPEDITED BRIEFING AND DECISION
ON FORTHCOMING MOTION FOR PRELIMINARY INJUNCTION**

For the reasons set forth in the accompanying memorandum in support, Plaintiffs Rodney D. Pierce and Moses Matthews respectfully request that the Court order an expedited schedule for briefing and decision on their forthcoming motion for a preliminary injunction, which will seek to enjoin use of Senate Districts 1 and 2 in the 2023 enacted map and order adoption of remedial districts which include a minority opportunity district comprised of Black Belt counties in

northeastern North Carolina. Specifically, Plaintiffs request the following schedule:

- Plaintiffs' motion for preliminary injunction, due **November 22, 2023**
- Defendants' response(s), due **November 27, 2023**
- Plaintiffs' reply, due **November 28, 2023**
- Oral argument, if any, on **November 29, 2023**

Although it would still be feasible and appropriate to grant a preliminary injunction and adopt a remedial map after candidate filing has begun under the 2023 enacted map, this proposed schedule would facilitate a decision on a preliminary injunction by **December 1, 2023**, which would allow for candidate filing to open in remedial districts without delay.

Wherefore, Plaintiffs respectfully request that the Court expedite briefing, argument, and decision on their forthcoming motion for preliminary injunction.

Dated: November 20, 2023

Respectfully submitted,

**ARNOLD & PORTER
KAYE SCHOLER LLP**

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Attorneys for Plaintiffs
**Notices of Special Appearance forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties registered in said system and also served via the following methods:

Hand Delivery:

Hon. Tim Moore, Speaker of the House
c/o Sam Hayes, Process Agent
2304 Legislative Building
16 W. Jones Street
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Hon. Phil Berger
President Pro Tempore of the North Carolina Senate
c/o Joshua Yost, Process Agent
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Via courtesy email to:

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On behalf of Defendants, Philip E. Berger and Timothy K. Moore

Paul Cox
North Carolina State Board of Elections
paul.cox@ncsbe.gov
On behalf of Defendants The North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon III, Stacy "Four" Eggers IV, Kevin N. Lewis, and Siobhan O'Duffy Millen

Dated: November 20, 2023

By: /s/ Edwin M. Speas, Jr.
Edwin M. Speas, Jr.